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| OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403 | | | ALIE, GHASSEM | |
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DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,835

Applicant(s)

AU ET AL.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/11/05(f.1-2)&9/24/05(F.3-4) is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (applicant admitted prior art disclose in Fig. 1 and col. 3, lines 26-24 and col. 4, lines 1-14 in the instant application) in view of Price et al. (2,657,926). AAPA (applicant admitted prior art disclose in Fig. 1 and col. 3, lines 26-24 and col. 4, lines 1-14 in the instant application). Regarding claim 1, AAPA teaches an apparatus for indexing a length of film 100 for severance. AAPA also teaches that the apparatus includes a feeding device 106 operative to hold the film 104 and to feed a predetermined amount of film to a trimming device 110. AAPA also teaches a film support 108 between the liner feeding device 106 and the trimming device that is operable between a first position, wherein a gap is provided for the film 100 to pass through during the feeding to during feeding to the trimming device 110, and a second position. AAPA also teaches that the film support is located between the film feeding device 106 and the trimming device 110.

AAPA does not teach that the moving film feeding device is linear feeding device that hold film and moves linearly between an initial position and another position towards the trimming. AAPA also does not teach that the film support is also a film holder that holds the film during trimming. However, the use of linear feeding device and a film support that functions as a film holder is well known in the art such as taught by Price. Price teaches an

Art Unit: 3724

apparatus for indexing a length of film 17 for severance. Price also teaches that the apparatus includes a linear feeding device 20 operative to hold the film 17 and to feed a predetermined amount of film 17 to a trimming device 52 by moving linearly between an initial position and another position towards the trimming device 52. Price also teaches that the film support is a film holder 70 that is operable between a first position, wherein a gap is provided for the film 70 to pass through during the feeding to the trimming device 52, and a second position. Price also teaches that the film holder 70 is operable to a second position for clamping the film 17 when severing the film 17 with the trimming device 52. See Figs. 1-3 and col. 3, lines 14-73 in Price.

It would have been obvious to a person of ordinary skill in the art to replace the film feeding device in AAPA's apparatus with a linear feeding device and move the film support in AAPA's apparatus from a first position to a second position for clamping the film in order to feed the film linearly towards the trimming device and dispense a predetermine length of adhesive film towards the trimming device, and hold the film during the trimming and consequently facilitate the trimming operation of the film.

Regarding claim 21, AAPA teaches everything noted above including that an edge of the film holder is substantially aligned with the trimming device at a position where the trimming device serves the film 17.

To the degree that it could be argued that AAPA in view of Price does not teach that the film holder is located between the film linear feeding device and the trimming device, AAPA and Price combination is further combined with Oakes et al (5,079, 980), hereinafter Oakes.

Art Unit: 3724

3. Claims 1 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price, and in further view of Oaks. Regarding claim 1, AAPA in view of Price teaches everything noted above except that the film holder is located between the Feeding device and the trimming device. However, Oakes teaches a web trimming machine including a feeding device 56, 58, a holding device 133, and a trimming device 164. Oakes teaches the holding device is located between the feeding device and the trimming device on the in-feed side of the trimming device. See Figs. 7 and 8 and col. 5, lines 56-68 and col. 6, lines 1-62 in Oakes. It would have been obvious to a person of ordinary skill in the art to move the film support in AAPA's apparatus as modified by Price, from a first position to a second position and clamp the film during the trimming apparatus in order to hold the film during the trimming apparatus and produce a clean cut in the film by the trimming apparatus.

Regarding claim 21, AAPA teaches everything noted above including that an edge of the film holder is substantially aligned with the trimming device at a position where the trimming device serves the film 17.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price and Oakes, as applied to claim 1, and in further view of Friberg et al. (3,813,974), hereinafter Friberg. Regarding claim 2, AAPA, as modified above, teaches everything noted above except that the linear feeder has a vacuum head coupled to a vacuum suction device. However, the use of vacuum head for displacing or moving a product is well known in the art such as taught by Friberg. Friberg teaches a vacuum head 8 for feeding a material 1 forward towards a cutter 12. See Fig. 1-4 and col. 2, lines 31-69 in Friberg. It would have been obvious to a person of ordinary skill in the art to replace the gripping head

Art Unit: 3724

in AAPA's cutting apparatus, as modified by above, with the vacuum heed as taught by Friberg, since Friberg's gripping head as an alternative for gripping material and moving the material forward functions the same as Price's gripping head.

Regarding claim 3 and 4, AAPA, as modified above, teaches everything noted above except that the head is changeable for different types of film. However, the use of different support surface for contacting film material or the like is well known in the art such as taught by Bruck (4,716,069). Regarding claim 4, AAPA, as modified by Firberg, does not teach a surface the linear feeding device contacting the film is made from material that has low static generation with the film. However, the use of supporting surface for the film from low or anti static material is well known in the such as taught by Bruke (4,716,069).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view Price and Oakes, as applied to claim 1, and in further view of Igarashi (2002/0039119). Regarding claim 5, AAPA, as modified by above, teaches everything noted above except a linear encoder coupled to the linear feeding device for determining the position of the linear feeding device. However, the use of encoder with a carriage for a feeder is well known in the art such as taught by Igarashi. Igarashi teaches a linear encoder 9 coupled to a linear carriage 3 for determining the position of the carriage. See Fig. 1 and page 1, paragraphs 3-6 in Igarashi. It would have been obvious to a person of ordinary skill in the art to provide the feeding device in AAPA's cutting apparatus, as modified by above, with the linear encoder, as taught by Igarashi, in order to determined the position of the feeding device.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price and Oakes, as applied to claim 1, and in further view of Rosenthal

Art Unit: 3724

(2,214,478) and Ando et al. (2002/0057912), hereinafter Ando. Regarding claim 6, AAPA, as modified by Oakes, teaches everything noted above including a film reel 102 for supplying the length of film. AAPA, as modified by Oakes, does not teach sensors positioned adjacent to the film reel operative to activate the film reel to release film at particular position of the film with respect to the sensors, whereby a loop is maintainable between the film reel and the surface supporting the film for indexing. However, Rosenthal teaches a film reel 4 for supplying film and a loop, which is maintained between the film reel and a surface for supporting the film. See Figs. 1-4 and col. 1, lines 45-55 and col. 2, lines 1-14 in Rosenthal. It would have been obvious to a person of ordinary skill in the art to provide the film in AAPA's cutting device, as modified by above, with the loop as taught by Rosenthal in order to eliminate the need of supplying power for pulling the film from the reel by the feeding mechanism. AAPA in view of Price, Oakes and Rosenthal does not teach that the sensors maintain the loop on the film. However, the use of sensors to maintain the loop on the film is well known in the art such as taught by Ando. Ando teaches loop sensor 112 for sensing the loop portion 108 of the film. See Figs. 3-6 and page 10, paragraphs 108-111 in Ando. It would have been obvious to a person of ordinary skill in the art to provide AAPA's cutting device, as modified by above, with one or more loop sensors as taught by Ando in order to maintain the loop on the film.

Regarding claim 7, AAPA, as modified by above, teaches everything noted above including one or more rollers 7 situated between the film reel 4 and the linear feeding device to bring the film substantially level with the surface supporting the film. See Fig. 1 in Rosenthal.

Art Unit: 3724

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price and Oakes, as applied to claim 1, and in further view of Von Hofe et al. (3,756,899), hereinafter Hofe. Regarding claim 8, AAPA teaches everything noted above except a collecting reel to which a baking cover peeled off from the film is coupled, for collecting backing cover peeled off from the film during indexing. However, the use of collecting reel for collecting a baking cover of a film or the like is well known in the art such as taught by Hofe. Hofe teaches a collecting reel 66 for collecting the backing cover of the film L. See Fig. 2B and col. 5, lines 24-62 in Hofe. It would have been obvious to a person of ordinary skill in the art provide AAPA's cutting device, as modified by above, with the collecting reel as taught by Hofe in order to collect the backing cover of the film.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price, Oakes, and Hofe, as applied to claim 8, and in further view of Moisio (6,297,882). Regarding claim 9, AAPA, as modified by above, does not teach sensors adjacent the backing cover that are operative to sense a distance from the backing cover to the collecting sensors and initiate driving of the collecting reel for collecting backing cover from the film at a predetermined distance of the backing cover to the collecting sensors. However, the use of sensor located at fixed at a predetermined distances from a roll of film or web to initiate driving the roll of film and paper is well known in the art such as taught by Moisio. Moisio teaches sensors 4, 4', 4'' adjacent a backing cover 2 that are operative to sense a distance from the backing cover to the collecting sensors and initiate driving of the collecting reel for collecting backing cover from the film at a predetermined distance of the backing cover to the collecting sensors. See Figs. 1-4 and col. 3, lines 5-65 in Mosios. It would have been

obvious to a person of ordinary skill in the art to provide AAPA's cutting device, as modified above, with the sensors as taught by Moisio In order to measure the size of the roll of collecting reel and determined when it has to be replaced.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price and Oakes, as applied to claim 1, and in further view of Nam et al. (2002/0109217), hereinafter Nam. Regarding claim 10, AAPA, as modified above, teaches everything noted above except a pick up device movable between the trimming device and a placement position and an optical device positioned under the pick-up device for inspecting a piece of film on the pick-up device. Nam teaches a pick up device 52 movable between the trimming device 48 and a placement position 66. Se Fig. 4 in Nam. It would have been obvious to a person of ordinary skill in the art provide AAPA's cutting device, as modified above, with the picking device as taught by Nam in order to pick up the to apply the film on the workpiece. AAPA, as modified above, does not teach an optical device to inspect a piece of film. However, Official notice is taken that the use of optical devices for inspection of the cut pieces are well known in the art such as is evident in Thomson et al. (5,046,389).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price and Oakes, as applied to claim 1, and in further view of Dueck (6,647,872). Regarding claims 11 and 12, AAPA, as modified above, teaches everything noted above except a sensor to detecting a presence of a length of film. However, the used of sensors to detect end-of-film or workpiece and the use a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Dueck. Ducked teaches a sensor for detecting the presence of workpiece. See Col. 2, lines 10-20 in Dueck. It would have been

Art Unit: 3724

obvious to a person of ordinary skill in the art provide AAPA's cutting device, as modified above, with the sensor as taught by Dueck in order to detect the presence of the film.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Price and Oakes, as modified in claim 1, and in further view of Yamaguchi et al. (5,239,904), hereinafter Yamaguchi. AAPA, as modified above, teaches everything noted above except a sensor for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. However, the use of sensors to detect end-of-film or workpiece and the use of a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Yamaguchi. Yamaguchi teaches a sensor E for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. See col. 12, lines 1-25 in Yamaguchi. It would have been obvious to a person of ordinary skill in the art provide AAPA's cutting device, as modified above, with the sensor as taught by Yamaguchi in order to detect the leading end of the film.

12. Claims 1 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes et al. (5,079,980), hereinafter Oakes. Regarding claim 1, Price teaches an apparatus for indexing a length of film 17 for severance. Price also teaches that the apparatus includes a linear feeding device 20 operative to hold the film 17 and to feed a predetermined amount of film 17 to a trimming device 52 by moving linearly between an initial position and another position towards the trimming device 52. Price also teaches a film holder 17 between the linear feeding device 20 and the trimming device 53 that is operable between a first position, wherein a gap is provided for the film 17 to pass through during the feeding to the trimming device 52, and a second position. The holding means 70 is located

between the feeding device 20 and the cutting device 52. See Fig. 2 in Price. Price also teaches that the film holder 70 is operable to a second position for clamping the film 17 when severing the film 17 with the trimming device 52. See Figs. 1-3 and col. 3, lines 14-73 in Price. Price does not explicitly teach that the film holder is located between the linear feeding device and the trimming device on the in-feed side of the trimming device. However, the use of a film cutting apparatus that has a holding device located between a feeding device and a trimming device is well known in the art such as taught by Oaks. It should be noted that AAPA also teaches that the film support device is located between the trimming device and the feeding device. Oaks teaches a web trimming machine including a feeding device 56, 58, a holding device 133, and a trimming device 164. Oaks teaches the holding device is located between the feeding device and the trimming device on the in-feed side of the trimming device. Oaks also teaches that the film is severed by the trimming device substantially along a line on which the film is being severed. See Figs. 7 and 8 and col. 5, lines 56-68 and col. 6, lines 1-62 in Oaks. It should be noted that the trimming device and the holding device in Oaks and Price functionally are equivalent, since the cutting mechanism in Oaks and Price both hold the film and trim the film. Therefore, it would have been obvious to a person of ordinary skill in the art to locate the holding device in Price's cutting mechanism between the feeding device and the trimming device, as taught by Oaks, since the cutting mechanism in Price and Oaks function the same and the holding mechanism functions the same in both cutting mechanisms.

Regarding claim 21, Price teaches everything noted above including that an edge of the film holder is substantially aligned with the trimming device at a position where the trimming device serves the film 17. See Figs. 1 and 2 in Price.

13. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes, as applied to claim 1, and in further view of Friberg et al. (3,813,974), hereinafter Friberg. Regarding claim 2, Price, as modified above, teaches everything noted above except that the linear feeder has a vacuum head coupled to a vacuum suction device. However, the use of vacuum head for displacing or moving a product is well known in the art such as taught by Friberg. Friberg teaches a vacuum head 8 for feeding a material 1 forward towards a cutter 12. See Fig. 1-4 and col. 2, lines 31-69 in Friberg. It would have been obvious to a person of ordinary skill in the art to replace the gripping heed of the Price's cutting apparatus, as modified by Oakes, with the vacuum heed as taught by Friberg, since Friberg's gripping head as an alterative for gripping material and moving the material forward functions the same as Price's gripping head.

Regarding claim 3 and 4, Price, as modified above, teaches everything noted above except that the head is changeable for different types of film. However, the use of different support surface for contacting film material or the like is well known in the art such as taught by Bruck (4,716,069). Regarding claim 4, Price as modified by Firberg does not teach a surface the linear feeding device contacting the film is made from material that has low static generation with the film. However, the use of supporting surface for the film from low or anti static material is well known in the such as taught by Bruke (4,716,069).

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes, as applied to claim 1, and in further view of Igarashi (2002/0039119).

Regarding claim 5, Price, as modified by Oakes, teaches everything noted above except a linear encoder coupled to the linear feeding device for determining the position of the linear feeding device. However, the use of encoder with a carriage for a feeder is well known in the art such as taught by Igarashi. Igarashi teaches a linear encoder 9 coupled to a linear carriage 3 for determining the position of the carriage. See Fig. 1 and page 1, paragraphs 3-6 in Igarashi. It would have been obvious to a person of ordinary skill in the art to provide the feeding device of the Price's cutting apparatus, as modified by Oakes, with the linear encoder as taught by Igarashi in order to determine the position of the feeding device.

15. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes, as applied to claim 1, and in further view of Rosenthal (2,214,478) and Ando et al. (2002/0057912), hereinafter Ando. Regarding claim 6, Price, as modified by Oakes, teaches everything noted above including a film reel 16 for supplying the length of film. Price, as modified by Oakes, does not teach sensors positioned adjacent to the film reel operative to activate the film reel to release film at particular position of the film with respect to the sensors, whereby a loop is maintainable between the film reel and the surface supporting the film for indexing. However, Rosenthal teaches a film reel 4 for supplying film and a loop, which is maintained between the film reel and a surface for supporting the film. See Figs. 1-4 and col. 1, lines 45-55 and col. 2, lines 1-14 in Rosenthal. It would have been obvious to a person of ordinary skill in the art to provide the film of Price' cutting device, as modified by Oakes, with the loop as taught by Rosenthal in order to eliminate the need of

Art Unit: 3724

supplying power for pulling the film from the reel by the feeding mechanism. Price in view of Oakes and Rosenthal does not teach that the sensors maintain the loop on the film.

However, the use of sensors to maintain the loop on the film is well known in the art such as taught by Ando. Ando teaches loop sensor 112 for sensing the loop portion 108 of the film.

See Figs. 3-6 and page 10, paragraphs 108-111 in Ando. It would have been obvious to a person of ordinary skill in the art to provide Price' cutting device, as modified by Oakes and Rosenthal, with one or more loop sensors as taught by Ando in order to maintain the loop on the film.

Regarding claim 7, Price, as modified by above, teaches everything noted above including one or more rollers 7 situated between the film reel 4 and the linear feeding device to bring the film substantially level with the surface supporting the film. Se Fig. 1 in Rosenthal.

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes, as applied to claim 1, and in further view of Von Hofe et al. (3,756,899), hereinafter Hofe. Regarding claim 8, Price teaches everything noted above except a collecting reel to which a baking cover peeled off from the film is coupled, for collecting backing cover peeled off from the film during indexing. However, the use of collecting reel for collecting a baking cover of a film or the like is well known in the art such as taught by Hofe. Hofe teaches a collecting reel 66 for collecting the backing cover of the film L. See Fig. 2B and col. 5, lines 24-62 in Hofe. It would have been obvious to a person of ordinary skill n the art provide Price's cutting device, as modified by Oakes, with the collecting reel as taught by Hofe in order to collect the backing cover of the film.

17. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes and Hofe, as applied to claim 8, and in further view of Moisio (6,297,882).

Regarding claim 9, Price as modified by above, does not teach sensors adjacent the backing cover that are operative to sense a distance from the backing cover to the collecting sensors and initiate driving of the collecting reel for collecting backing cover from the film at a predetermined distance of the backing cover to the collecting sensors. However, the use of sensor located at fixed at a predetermined distances from a roll of film or web to initiate driving the roll of film and paper is well known in the art such as taught by Moisio. Moisio teaches sensors 4, 4', 4'' adjacent a backing cover 2 that are operative to sense a distance from the backing cover to the collecting sensors and initiate driving of the collecting reel for collecting backing cover from the film at a predetermined distance of the backing cover to the collecting sensors. See Figs. 1-4 and col. 3, lines 5-65 in Mosios. It would have been obvious to a person of ordinary skill in the art to provide Price, as modified by above, with the sensors as taught by Moisio In order to measure the size of the roll of collecting reel and determined when it has to be replaced.

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes, as applied to claim 1, and in further view of Nam et al. (2002/0109217), hereinafter Nam. Regarding claim 10, Price, as modified above, teaches everything noted above except a pick up device movable between the trimming device and a placement position and an optical device positioned under the pick-up device for inspecting a piece of film on the pick-up device. Nam teaches a pick up device 52 movable between the trimming device 48 and a placement position 66. Se Fig. 4 in Nam. It would have been obvious to a

Art Unit: 3724

person of ordinary skill in the art provide Price's cutting device with the picking device as taught by Nam in order to pick up the to apply the film on the workpiece. Price, as modified above, does not teach an optical device to inspect a piece of film. However, Official notice is taken that the use of optical devices for inspection of the cut pieces are well known in the art such as is evident in Thomson et al. (5,046,389).

19. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes, as applied to claim 1, and in further view of Dueck (6,647,872). Regarding claims 11 and 12, Price, as modified above, teaches everything noted above except a sensor to detecting a presence of a length of film. However, the used of sensors to detect end-of-film or workpiece and the use a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Dueck. Dueck teaches a sensor for detecting the presence of workpiece. See Col. 2, lines 10-20 in Dueck. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device, as modified above, with the sensor as taught by Dueck in order to detect the presence of the film.

20. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Oakes, as modified in claim 1, and in further view of Yamaguchi et al. (5,239,904), hereinafter Yamaguchi. Price teaches everything noted above except a sensor for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. However, the used of sensors to detect end-of-film or workpiece and the use a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Yamaguchi. Yamaguchi teaches a sensor E for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. See col. 12, lines 1-25 in Yamaguchi. It

would have been obvious to a person of ordinary skill in the art provide Price's cutting device, as modified above, with the sensor as taught by Yamaguchi in order to detect the leading end of the film.

Response to Amendment

21. Applicant's arguments filed on 07/17/06 have been fully considered but they are not persuasive.

Applicant's argument that there is no suggestion to combine Price with Oaks is not persuasive. It should be noted that the trimming device and the holding device in Oaks and Price functionally are equivalent, since the cutting mechanism in Oaks and Price both hold the film and trim the film. Therefore, it would have been obvious to a person of ordinary skill in the art to locate the holding device in Price's cutting mechanism between the feeding device and the trimming device, as taught by Oaks, since the cutting mechanisms in Price and Oaks function the same and the holding mechanism functions the same in both cutting mechanisms. The holding mechanism in Price functions the same as long as is located adjacent to the trimming device. The holding mechanism in Price function the same whether is located on the left side of the trimming device or the right side of the trimming device.

Applicant's argument that Price does not teach that the film holder holds the film substantially along a line on which the film is being severed is not persuasive. It should be noted that claim 1 calls for the film holder to hold the film "substantially along a line on which the film is being severed." The film holder 70 in Price holds the film "substantially" along a line on which the film is cut. It should be noted that the film holder holds the film substantially (not exactly) along the line on which the film is severed. Applicant's argument

that "the finger 70 is spaced in the feed direction from the line on which the tape is being severed by at least the thickness one side of the blade holder" is not persuasive. First, the cutting knife 52 has a cutting edge 54 which trims the film along a line which is substantially close to the edge of the film holder 70. Second, claim 1 does not call for a film holder that clamp the film "exactly" along a line on which the film is being severed. The edge of the film holder 70, which holds the film 17, is not located exactly along the line that the film is severed. However, the edge of the film holder 70 considerably or substantially located along the line that the film is severed. It should also be noted that in the instant invention, there is a gap between the film holder and the line on which the film is severed. In the instant invention, the film holder also does not hold the film exactly along the line on which the film is severed.

Applicant's argument that finality of the application should be withdrawn since new prior art, the AAPA, has been introduced in the Final Action is not persuasive. The new ground of rejection was necessitated by the applicant's amendment to independent claim 1.

Applicant's argument that AAPA does not teach "a film holder...that is operable between a first position wherein a gap is provided for the film to pass through during feeding to the trimming device, and a second position wherein the gap is closed" is not persuasive. AAPA, as modified by Price, teaches a linear feeding device 20 operative to hold the film 17 and to feed a predetermined amount of film to a trimming device 52 by moving linearly between a first position and a second position. It should be noted that at least Price also teaches a gap that is provided for the film to pass through during the feeding of the film to the trimmer device and the gap is closed when the film is clamped by the holding

device. AAPA and Oakes also teach that the holding device is located between the feeding device and the trimming device. In addition, Price, as modified by Oakes, also teaches that the holding device is located between the feeding device and the trimming device.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoffmann (2002/0170402), Kohda (6,681,667), and Dom et al. (4,942,796) teach a trimming apparatus including a holding device that is located substantially along the line that a workpiece is severed.

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER

GA/ga

September 12, 2006